

DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

CRS

Docket No: 3942-00 21 November 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF

Ref: (a) 10 U.S.C. 1552

(b) BUPERSINST 1900.8

Encl: (1) DD Form 149 w/attachments

(2) Case Summary

(3) Subject's naval record

- 1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by changing the RE-4 reenlistment code assigned on 20 August 1998.
- 2. The Board, consisting of Messrs. Pfeiffer, Silberman, and Neuschafer, reviewed Petitioner's allegations of error and injustice on 25 October 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
- 3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
- a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Enclosure (1) was filed in a timely manner.
 - c. Petitioner enlisted in the Navy on 28 July 1998 at age 17.
- d. On 9 August 1998 a psychiatric evaluation found that Petitioner had a attention-deficit/hyperactivity disorder, depressive disorder, and a personality disorder. The diagnosis stated that he had suicidal ideation in eighth grade.
- e. On 20 August 1998 he received an entry level separation by reason of personality disorder. At that time he was assigned a

reenlistment code of RE-4.

- f. With his application, Petitioner submits a psychiatric evaluation which essentially states tht he does not have a personality disorder.
- g. In an advisory opinion, the Specialty Advisor to the Surgeon General for Psychiatry concludes that the evidence of record fails to support the diagnosis of a personality disorder. Accordingly, the Specialty Advisor recommends that the reenlistment code be changed.
- h. Reference (b) states that an individual may be separated by reason of best interest of the service if separation is appropriate but no other reason set forth in the reference covers the situation at hand. Individuals separated for this reason may receive a reenlistment code of RE-R1, RE-1, or RE-4.
- i. Applicable directives authorize the assignment of either an RE-3G or RE-4 reenlistment code to an individual discharged due to a physical or mental condition that is not a disability.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board concurs with the advisory opinion and also concludes that the reason for discharge is inappropriate and should be changed to "best interest of the service", a nonstigmatizing reason for separation which is assigned when no other reason is appropriate. Accordingly, the Board believes the nondescript reason of best interest of the service is now appropriate.

The Board also concludes that the reenlistment code RE-3G, while not specifically authorized when an individual is separated for best interest of the service, should now be assigned since his record does not warrant the most stiglmatizing reenlistment code of RE-4. A code of RE-3G will alert recruiting personnel that there was a problem with Petitioner's physical or mental state during the prior enlistment which must be resolved before reenlistment is authorized.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he received an entry level separation by reason of best interest of the service on 20 August 1998, vice by reason of personality disorder.

- b. That the record be futher corrected to show that on 20 August 1998, Petitioner was assigned an RE-3G reenlistment code instead of the RE-4 reenlistment code actually assigned on that date.
- c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunded from Petitioner's record and that no such entries or material be added to the record in the future.
- d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.
- 4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN Recorder ALAN E. GOLDSMITH Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

W. DEAN PFET

3